



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY-DOCKET NO.	CONFIRMATION NO.
09/625,518	07/25/2000	Craig David Weissman	20308-713	6905

23639 7590 10/17/2003

BINGHAM, MCCUTCHEN LLP
THREE EMBARCADERO, SUITE 1800
SAN FRANCISCO, CA 94111-4067

EXAMINER

LIANG, GWEN

ART UNIT	PAPER NUMBER
----------	--------------

2172

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/625,518

Applicant(s)

WEISSMAN ET AL. *M*

Examiner

GWEN LIANG

Art Unit

2172

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-47.

Claim(s) withdrawn from consideration: _____.


8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

Continuation of 5. does NOT place the application in condition for allowance because: The applicant's arguments regarding independent claims 1, 21, 30, 38, 43 and all the dependent claims have been considered but they are not persuasive.

The applicant's arguments regarding claim 1, that Smiley's system and Feuche's system, even when combined, neither teach nor suggest a computer that generates tables from definitions that define "a set of relationships between tables and programs that operate on the set of tables and the set of table columns," as recited in claim 1, have been considered but they are not persuasive. As reasons already stated in the Final Office Action mailed on 16 June 2003 (paper number 10), firstly Smiley teaches an information repository system that stores definition that defines relationships between tables and secondly Smiley teaches an information repository system that stores definition that defines programs that operate on the set of tables and the set of table columns. While Smiley does not explicitly teach a computer using the aforementioned definitions to generate the set of database tables, the Feuche reference clearly teaches an automated process of generating tables from logical definitions. Feuche discloses an interface/link which creates DB2 tables from definitions created in Excelerator and the product is designed to eliminate the manual effort now involved in transferring design and data requirements from one product to the other and to automatically create DB2 tables from logical record definitions (paragraphs 1, 9 and 10). It is obvious that during this automated process of generating tables, it is the computer that is using the definition to generate tables, not a human being, since this interface/link is designed to eliminate "manual effort" and the interface is one between its computer-aided software engineering (CASE) tools and IBM's DB2 data based management system (paragraph 1), which makes it obvious that the interface is implemented on a computer. In short, Smiley teaches the definitions as claimed in claim 1 and Feuche teaches that logical definitions are obviously used by a computer to generate tables. The Examiner maintains that the combined references of Smiley and Feuche do teach a computer that generates tables from definitions that define "a set of relationships between tables and programs that operate on the set of tables and the set of table columns," as recited in claim 1.

The rejection of all the other pending claims are maintained as stated in the Final Office Action mailed on 16 June 2003 (paper number 10) based on the same reasoning stated above for claim 1.

Continuation of 10. Other: As for claim 36, the change from "the user" to "a user" is entered.


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100